

# Background

1. What's Being Considered?
2. Medical Marijuana
3. Recreational Marijuana
4. Equity Ordinance

## Contact CPC Staff

[cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

313-224-6225

1

DON Cast  
5:00 PM

Monday, August 29, 2022

Online: <https://cityofdetroit.zoom.us/j/3631409738>

By Telephone: (312) 626-6799 or Webinar ID: 363 140 9738

2

CPC Community Engagement Meeting  
7:00 PM

Wednesday, August 31, 2022

Online: <https://cityofdetroit.zoom.us/j/88527895262>

By Telephone: (312) 626-6799 or Webinar ID: 885 2789 5262

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CPC Continued Public Hearing  
6:45PM

Meeting Starts at 5:00 PM

Thursday, September 8, 2022

A continued public hearing will be held before the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

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# Background – What’s Being Considered?

## Purpose of Proposed ZO Text Amendment

- Request of City Council Pres. Pro Tem Tate
- To analyze potentially reducing ZO spacing requirements for certain Marijuana uses
- From ZO “Controlled uses” by 25%
- **Goal to increase the amount of available property that would be eligible for certain Marijuana uses**
- CPC staff has proposed additional spacing reductions for certain Marijuana uses that would also support these uses

## City Planning Commission Meetings

- Introduced to CPC on July 21
- Public hearing was held on August 4
- No action occurred at these meetings
- CPC was generally favorable to limited reductions in spacing requirements
- Asked staff for more information as part of this consideration
- **Continued CPC public hearing September 8**
- **Potential recommendation to City Council**

# Background – Medical Marijuana

## 2008: MI Medi. Marihuana Act Initiated Law 1

- Lawful sale and use of medical marijuana
- Led to unlicensed and unregulated dispensaries and facilities

## 2015: Detroit Med. Marijuana Caregiver Center

- Ordinance No. 31-15, effective 3/1/2016
- Amended ZO to define, regulate, and address rapid increase of establishments
- Approximately 214 unlicensed and unregulated MM facilities at the time

## 2016: MI Leg. P.A. 281, 282, 283

- Allowed licensing for 5 facility types
- Referred to as “MMFLA”

## 2017: Detroit Proposals A and B

- Replaced MM Caregiver Center Ordinance
- Required Detroit to opt in to the MMFLA

- 2018: Zoning Ordinance text amendment enacted on 10/14/2018 (Ord. No. 20-18)

# Background – Recreational Marijuana

## 2018: MI Ballot Initiative – Proposal 1

- Lawful possession, cultivation, consumption
- Recreational purposes – adults 21 y.o.
- Referred to as “MRTMA”
- 69% approval in Detroit

Michigan Proposal 1		
Result	Votes	Percentage
✔ Yes	2,354,640	55.89%
No	1,858,354	44.11%

## 2021: Detroit Ordinances

- Working group to address social equity
- Led to 1<sup>st</sup> “adult-use” marijuana provisions of the Detroit Business Licensing Ordinance
  - Effective 1/11/2021 (Ord. No. 2020-44)
- ZO text amendment effective April 2021 (current set of ZO marijuana regs)

## 2022: Ordinance No. 2022-11

- Current set of combined med. and adult-use
- TRO: opening applications for 3 types

# Equity – Ordinance No. 2022-11

## Purpose Statements (part)

- Social equity in the marijuana industry is required to address historical disproportionate impact of prohibition
- Recognized that residents have historically been excluded from ownership in industry due to impact and lack of access
- 20% of Detroiters live below Federal Poverty Level, and double the conviction rate
- Employment opportunities and property ownership are essential for Detroiters

## License Required

- Both a city and state operating lic. required
- Separate licenses required for each type
- Co-location of facilities permitted
- Numerical caps (maximums) on “limited”

# Equity – Ordinance No. 2022-11

<b>Unlimited Licenses</b>
Grower
Processor
Secure Transporter
Safety Compliance
Temporary Marijuana Event Organizer
Temporary Marijuana Event

<b>Limited Licenses</b>	<b>Cap</b>
Medical Provisioning Center	75
Adult-Use Retailer Establishment	50
Adult-Use Retailer Est. – Equity	50
Designated Consumption Lounge	15
Designated Cons. Lounge – Equity	15
Microbusiness	15
Microbusiness – Equity	15

- City was scheduled to begin accepting applications on 8/1/2022 (1<sup>st</sup> 30-day period)
- Subject to Wayne Co. Circuit Court Temporary Restraining Order

# ZO Text Amendment

1. Reduce Spacing Requirements
2. Add Specific Use Standards
3. Correct Conflicting Code Language

## CPC Meetings

- Introduced to CPC on July 21
- Public hearing was held on August 4
- **Continued CPC public hearing September 8**
- **Potential recommendation to City Council**

# ZO Definitions (No Amendments)

- 1. Medical marijuana provisioning center facility:** A location where a licensee that is licensed as a provisioning center under the Michigan Medical Marijuana Facilities Licensing Act (**MMFLA**), as well as under Chapter 20, Article VI, of this Code, operates a commercial entity located in the State of Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to qualifying patients, directly or through the registered primary caregivers of patients. Medical marijuana provisioning center facility includes any commercial property **where medical marijuana is sold at retail to qualifying patients (meaning patients with a state-issued medical marijuana I.D.)** or primary caregivers. A medical marijuana caregiver center is not a medical marijuana provisioning center facility for purposes of this chapter.
- 2. Marijuana retailer establishment:** A location where a licensee that is licensed as a marijuana retailer under the Michigan Regulation and Taxation of Marijuana Act (**MRTMA**), and as a retailer under Chapter 20, Article VI, of this Code, operates a commercial entity that obtains marijuana from adult-use marijuana establishments and **sells or transfers marijuana to individuals who are 21 years of age or older** and to other adult-use marijuana establishments.
- 3. Marijuana microbusiness:** A location where a licensee that is licensed as a marijuana microbusiness under the Michigan Regulation and Taxation of Marijuana Act (**MRTMA**), and as a microbusiness under Chapter 20, Article VI, of this Code, operates a commercial entity that **cultivates not more than 150 marijuana plants, or more as allowed by the State of Michigan, processes and packages marijuana, and sells or otherwise transfers marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility**, but not to other adult-use marijuana establishments or medical marijuana facilities.
- 4. Designated marijuana consumption establishment:** A location where a licensee that is licensed as a designated marijuana consumption establishment under the Michigan Regulation and Taxation of Marijuana Act (**MRTMA**), and as a designated consumption establishment under Chapter 20, Article VI, of this Code, operates a commercial entity that **allows adults 21 years of age and older to consume marijuana products at a commercial location designated by the state operating license**.

# Proposed Amendment 1

## Minimum Spacing Requirements

- 4 uses Conditional in B2, B4 – M4, SD2
- Spacing requirements reduce eligible areas within permissible districts
- General goal to increase the amount of available property eligible through zoning
  1. Limited elimination of some spacing
  2. **25% reduction for Controlled Uses**

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved) or Zoning District
Marijuana retail/provisioning facility	1000 radial feet	<ul style="list-style-type: none"> <li>- Drug-free zone: <del>prohibited</del>;</li> <li>- <del>Gateway Radial Thoroughfare Overlay Area: prohibited</del>;</li> <li>- <del>Traditional Main Street Overlay Area: prohibited</del>;</li> <li>- Religious institution identified as exempt by the City Assessor: 1000 radial feet;</li> <li><del>Designated marijuana consumption establishment: 1000 radial feet</del></li> <li>- Marijuana microbusiness: 1000 radial feet</li> <li>- <del>Controlled Uses: 1000</del> <b>750</b> radial feet</li> </ul>
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# Controlled Uses

## Sec. 50-3-402 List of controlled uses

1. Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts
2. Specially designated merchant's (SDM) est. and/or specially designated distributor's (SDD) est.
3. Pool halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts

Specially designated distributor's est. (SDD)	Specially designated merchant's est. (SDM)
A retail establishment, consisting of less than 15,000 square feet of gross floor area, licensed by the Michigan Liquor Control Commission to distribute alcoholic liquor in the original package for consumption off the premises, which alcoholic liquor is <u>other than</u> beer and other than wine under 20 percent alcohol by volume;	A retail establishment, consisting of less than 15,000 square feet of gross floor area, utilized for the distribution of alcoholic liquor, licensed by the Michigan Liquor Control Commission to sell <u>beer and/or wine</u> for consumption off the premises;
an SDD is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor other than beer and other than wine under 20 percent alcohol by volume, for consumption off the premises.	an SDM is also any retail establishment, regardless of size, where more than ten percent of the usable retail space is utilized for the display or distribution of alcoholic liquor and is licensed to sell beer and/or wine for consumption off the premises.

- **Spacing to SDM/SDD is highly impactful**
- **Mapping of existing SDM and SDD est. will be available for the Sept. 8 CPC**

# Full List of Uses Requiring Spacing

Drug-free zone: prohibited within 1,000 radial feet of a zoning lot of a(n)

1. Child care center, as defined in Section 50-16-152 of this Code
2. Educational institution, as defined in Section 50-16-191 of this Code
3. Library, as defined in Section 50-16-283 of this Code
4. Outdoor recreation facility, as defined in Section 50-16-324 of this Code, other than parkways and parklots
5. School, as defined in Section 50-16-381 of this Code
6. Youth activity center as defined in Section 50-16-462 of this Code
7. Public housing as defined in 42 USC § 1437a(b)(1)

Overlay Areas/Religious Institutions

8. Gateway Radial Thoroughfare Overlay Area: prohibited
9. Traditional Main Street Overlay Area: prohibited
10. Religious institution identified as exempt by the City Assessor: 1000 radial feet

Controlled Uses: 1,000 radial feet from:

11. Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts
12. Specially designated merchant’s (SDM) establishments and/or specially designated distributor’s (SDD) establishments
13. Pool halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts

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# Proposed Amendment 1

## Other Amendments

- Would eliminate spacing between:
  1. MRPF and Consumption
  2. Consumption and MRPF
  3. Microbusiness and Consumption
  4. Consumption and Microbusiness
  
- General goal to encourage applicants to pursue additional (non-MRPF uses)

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# Proposed Amendment 1

## CPC Staff Initial Findings – Spacing

- Controlled Use reduction may be only desirable change to increase property (Council Pres. Pro Tem James Tate)
- Controlled Use spacing is unique to Detroit
- CPC may wish to consider if the character of these uses related to party stores
- Importance of Drug-free zone spacing would still remain through the full list of other 10 Non-Controlled Uses
- TBD (mapping) how reduction would impact limited licenses cap

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# Proposed Amendment 2

## Adding Specific Use Standards

- None currently with zoning approval towards licensing
- 2 licensed statewide (demand)
- Discussing with Law Dept. if language is needed or premature (state)
- Existing language would prohibit accessory uses
- Exceptions would be needed if desired to permit (future)

Reaffirms existing ZO requirement:

(6) Designated marijuana consumption establishments are not permitted as an accessory use and must not include an accessory use.

Not specifically addressed in ZO:

Designated marijuana consumption establishments may be located on the same zoning lot and/or in the same building as a non-marijuana use, as a separate principal use of the premises, subject to all applicable regulations of this Code and operated in accordance with the rules promulgated by the State of Michigan.

# Proposed Amendment 2

## Kalkushka Lounge, Kalkaska, MI

- Example of a consumption lounge including a non-marijuana accessory use
- Prohibited by Detroit ZO currently
- LARA permits the sale, consumption, or serving of food only with designated consumption establishments and temporary events
- Additional local and state Health restrictions
- **Requesting feedback on combining:**
  1. Consumption est. with food-related uses (restaurants, cafes, coffee bars, etc.)
  2. Consumption est. with non-food related uses (yoga studios, salons, rental halls, etc.)



# Proposed Amendment 3

## Correct Conflicting Language

- Between Licensing Ordinance and ZO
- Unlimited License types currently being processed with no zoning district restrictions
- Ordinance 2022-11 requires City Council to approve any temporary marijuana event before event licensed by BSEED
- ZO prohibition conflicts with City Council powers
- Verified with Law Dept.

ZO Sec. 50-12-563. Prohibited temporary uses  
(4) Medical marijuana facilities and adult-use marijuana establishments, except for temporary marijuana events as defined by this Code and approved by City Council in accordance with Section 20-6-24.

## Ordinance 2022-11 Definitions

*Temporary marijuana event* means a license held by a marijuana event organizer under this article and the MRTMA, which the state has approved, authorizing an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location and on the dates indicated on the state operating license.

*Marijuana event organizer* means a state license holder authorized to apply for a temporary marijuana event license in accordance with the MRTMA.

# CPC Direction for Staff

## Text Amendment Revisions:

- 1. Add Administrative Adjustments to Spacing**
- 2. Consider Overconcentration Provisions**
3. Prohibit Outdoor Consumption Lounge Areas

## CPC Requested Specific Feedback:

4. Engage Law Enforcement (Crime & Spacing)
- 5. Spacing Reductions** (What would 500' look like from Controlled Uses)
- 6. Studying Marijuana in Eastern Market**

# 1. Reductions to Spacing Requirements

## Waiving Spacing Requirements

- Sec. 50-12-135(b) and Sec. 50-12-136(d) prohibit waiving spacing requirements for medical marijuana facilities and adult-use marijuana establishments
- Sec. 50-4-132 also prohibits the BZA from modifying spacing or locational regulations by reference to 50-12-135
- **Meaning the BZA/BSEED may not currently consider reductions to spacing requirements**

## Administrative Adjustments – Aug. 4 CPC

- Sec. 50-4-122 does not authorize administrative adjustments to use regulations (spacing requirements)
- Administrative adjustments are intended for minor modifications of numeric intensity, dimensional, and development standards contained in Articles XIII and XIV
- **Meaning administrative adjustments are not currently intended to reduce spacing requirements (use regulations)**

# 2. Overconcentration Provisions

- CPC has expressed concerns that there may be an overconcentration of marijuana uses in certain areas or Council Districts
- As limited licenses are not being granted yet, overconcentration would apply to:
  - Unlimited Licenses
    - Growers
    - Processors
    - Secure Transporters
    - Safety Compliance
  - Limited Licenses
    - Medical Provisioning Centers
- There are currently no spacing requirements for unlimited licenses except for Drug-free
- Permissible zoning districts (Conditional):
  - Growers: M1 – M5
  - Processors: B6, M1 – M5
  - Secure Transporters: B5, B6, M1 – M5
  - Safety Compliance: B2, B4, B5, B6, M1 – M5
- **Formal analysis will be presented at the September 8 CPC meeting**

# 5. Spacing Reductions

- Formal analysis of potential 750’/500’ reductions will be presented at the September 8 CPC meeting

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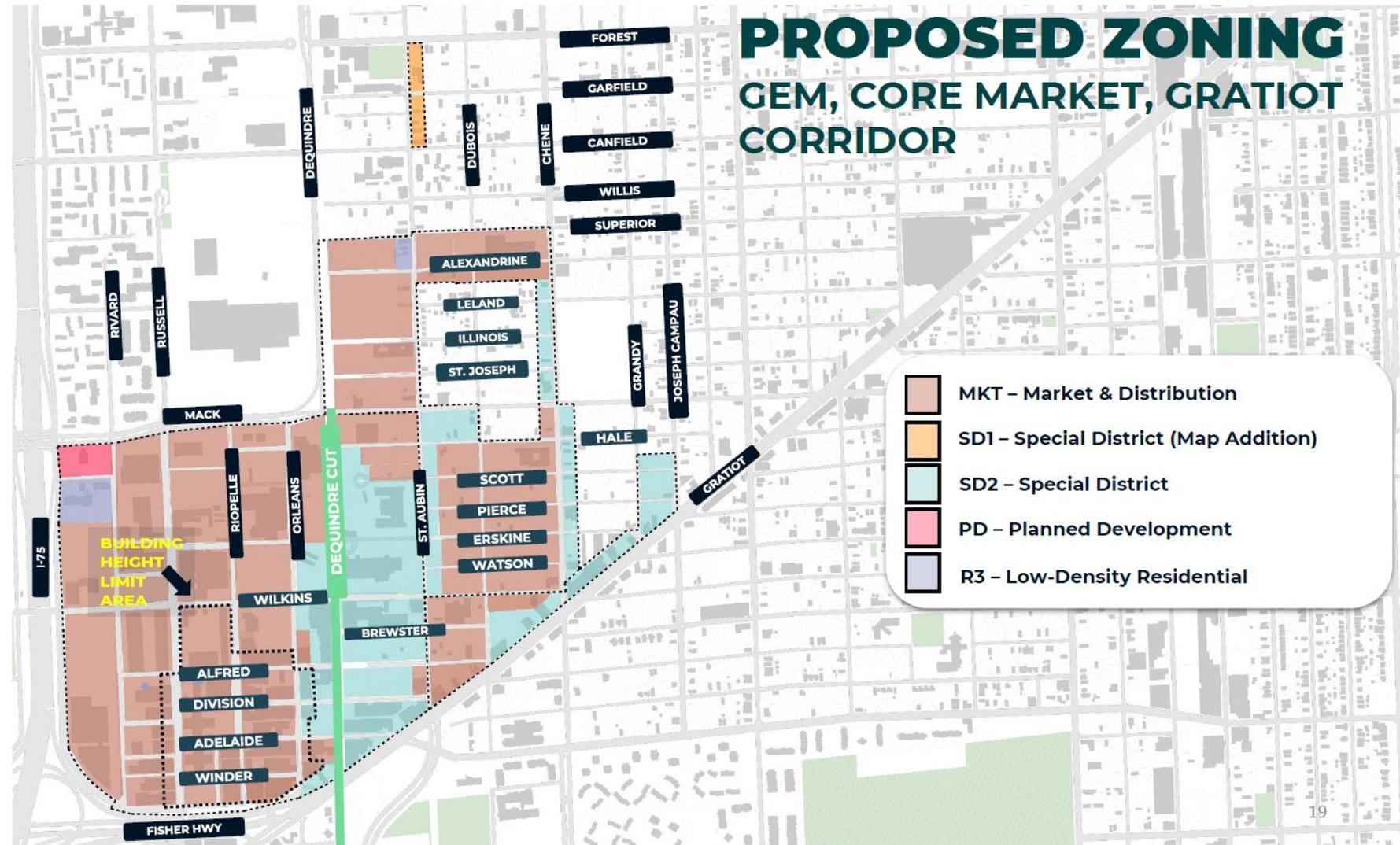
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# 6. Studying Marijuana in Eastern Market

- MKT – No Marijuana uses permissible
- CPC previously asked staff to study
- SD2 – Conditional Uses:
  1. Consumption Est.
  2. Microbusiness
  3. Retail/Provisioning
  4. Safety Compliance
- Minimum Spacing Requirements (citywide)
- Mapping to be provided Sept. 8 as part of study



# Thank You!

## Q&A

### Contact CPC Staff

[cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

313-224-6225

#### COMMUNITY ENGAGEMENT

1

**DON Cast**  
5:00 PM  
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